

REMARKS

Claims 12-25, 33-36, and 43-45 remain pending in the present application. Claims 12, 14, 33, 35, and 43 have been amended. Basis for the amendments can be found through the specification, drawings and claims as originally filed.

The undersigned attorney would like to thank Examiner Kyle for the courtesies extended to him during the personal interview on March 8, 2006. At the interview, the claims and prior art were discussed.

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner has rejected Claims 12-25, 33-37, and 43-45 under 35 U.S.C. §103(a), alleging them to be unpatentable over Mooty et al. (U.S. Patent No. 6,308,378) in view of DeLuca et al (U.S. Patent No. 6,591,456). The Examiner alleges that this combination would render Applicants' invention obvious to those skilled in the art.

Independent Claim 12 has been amended to further define the clamping member which clamps the blister pack to the housing. The clamping member, among other elements, has at least one aperture to receive a gel containing chamber of the blister pack. The clamping member includes a fastening mechanism to secure the clamping member with the housing to cover a portion of the housing. The clamping member becomes the housing adjacent the at least one blister pack.

The art relied on by the Examiner, specifically Mooty et al. and DeLuca et al., fail to disclose or suggest Applicants' invention. As was pointed out at the interview, the Mooty et al. reference teaches a frictional gripping arrangement which is molded with, adhered to, mechanically fastened to, or dual injection molded with the surface of the housing. Thus, Mooty et al. neither discloses nor suggests the desirability of a clamping

member to retain the gripping member onto the housing. DeLuca et al., relied on by the Examiner, illustrates a cushioning device for a hand-held implement such as a pen or writing instrument. As illustrated in Fig. 10, the cushioning member is connected with a second portion to form the housing. Deluca et al. neither discloses nor suggest positioning a clamping member on top of the housing and securing it with the housing so that the clamping member becomes the housing adjacent the blister pack as claimed. Accordingly, the combination of DeLuca et al. and Mooty et al. fail to disclose or suggest Applicants' invention.

Accordingly, Applicants believe Claim 12 to be patentably distinguishable over the art cited by the Examiner. Thus, Claims 12 and 13 are believed to be patentably distinct over the art cited by the Examiner.

Independent Claim 14 has been amended. Independent Claim 14 further defines the handle which comprises a gripping portion and a chamber enclosing a gel material extending outward from the gripping portion. The gripping portion surrounds the chamber and secures the chamber in the gripping portion. The chamber is disposed relative to the gripping portion and the chamber is positioned on the gripping portion to enable parts of the user's hand, such as fingers, to contact the gripping portion while other parts of the hand, such as the palm or heel, contact the chamber to provide a dampening function for the user such that both the gripping portion and the chamber portion are simultaneously gripped during operation of the tool.

The combination of Mooty et al. and DeLuca et al. fail to disclose or suggest such a feature. Modifying Mooty et al. with DeLuca et al. would provide a gripping surface surrounding the entire handle portion of the Mooty et al. reference. The closely

positioned cushioning portions, best illustrated in Fig. 13 of the DeLuca et al. reference, only enables gripping of the cushioning portion. Accordingly, Applicants believe Claim 14 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 15-25, which depend from Claim 14, are patentably distinct over the art cited by the Examiner.

Independent Claim 33 has been amended to be patterned after Claim 12. Accordingly, the above remarks with respect to Claim 12 equally apply to Claim 33. Accordingly, Applicants believe Claims 33 and 34 to be patentably distinct over the art cited by the Examiner.

Claim 35 has been amended to be patterned after Claim 12. Accordingly, the above remarks with respect to Claim 12 equally apply to Claim 35. Accordingly, Applicants believe Claims 35 and 36 to be patentably distinct over the art cited by the Examiner.

Claim 43 has been amended to be patterned after Claim 12. Accordingly, the above remarks with respect to Claim 12 equally apply to Claim 43. Accordingly, Applicants believe Claims 43-45 to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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